

EXHIBIT B

From: Wesley Barr [mailto:wbarr@olindefirm.com]
Sent: Tuesday, March 27, 2018 1:27 PM
To: Ted Hartman <thartman@blackwellburke.com>
Cc: Ben Hulse <BHulse@blackwellburke.com>
Subject: RE: Hylander (16-cv-2518)

Ted,

We will not agree to dismissal. The Court will have to make the call.

Wesley G. Barr
Attorney



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From: Ted Hartman [mailto:thartman@blackwellburke.com]
Sent: Tuesday, March 27, 2018 12:14 PM
To: Wesley Barr
Cc: Ben Hulse
Subject: RE: Hylander (16-cv-2518)

Wesley,

Because Ms. Hylander pre-deceased the filing of the complaint, our position (and the Court's determination in these circumstances) has consistently been that the Court does not have subject-matter jurisdiction (See attached at Section III). Substitution would only be the appropriate procedural mechanism if Ms. Hylander had passed away *after* the filing of her case.

Please let us know if you disagree, and, if so, the basis for your disagreement. Otherwise, please confirm you will stipulate to dismissal.

Thank you,
Ted

Ted D. Hartman

Blackwell Burke P.A.

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License to practice in Minnesota is pending.

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From: Wesley Barr [<mailto:wbarr@olindefirm.com>]

Sent: Tuesday, March 27, 2018 11:59 AM

To: Ted Hartman <thartman@blackwellburke.com>

Subject: RE: Hylander (16-cv-2518)

Ted,

I will be preparing a motion to substitute proper party shortly for filing on this case. Mr. Hylander is the executor of the estate of Loretta Hylander and will be substituted for Loretta Hylander.

Wesley G. Barr
Attorney



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From: Ted Hartman [<mailto:thartman@blackwellburke.com>]
Sent: Tuesday, March 27, 2018 11:50 AM
To: Fred Olinde
Cc: Ben Hulse; Michael Patiuk; Wesley Barr
Subject: RE: Hylander (16-cv-2518)

Hello Mr. Olinde.

I wanted to follow up on my email below regarding dismissal of the above-referenced matter based on lack of standing. Please advise whether you will stipulate to dismissal of this matter and provide a proposed stipulation for the same.

Ted

Ted D. Hartman

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From: Ted Hartman
Sent: Wednesday, March 14, 2018 2:54 PM
To: 'folinde@olindefirm.com' <folinde@olindefirm.com>
Cc: Ben Hulse <bhulse@blackwellburke.com>; Michael Patiuk <mpatiuk@blackwellburke.com>; 'wbarr@olindefirm.com' <wbarr@olindefirm.com>
Subject: Hylander (16-cv-2518)

Good afternoon, Mr. Olinde.

Based on the plaintiff fact sheet served in the above-referenced case, it appears that your client passed away on 04/03/2016, but the case was not filed until 07/26/2016. If you believe this information is inaccurate, please advise.

The Court has consistently dismissed cases for lack of jurisdiction where, as here, the plaintiff pre-deceased the filing of the complaint. I am reaching out to you to confirm that you will agree to stipulate

to dismissal of this case (without prejudice). In agreeing to a dismissal without prejudice, Defendants are not agreeing to waive or toll any deadlines or defenses. If you agree to a dismissal without prejudice, please provide us a copy of your proposed Rule 41 stipulation for review.

Thank you,

Ted



Ted D. Hartman*

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